

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RONALD B. LOSNER,

Plaintiff,

-against-

ACT PROPERTIES, LLC,

Defendant.

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REPORT AND
RECOMMENDATION

09 CV 5382 (NGG)(RML)

LEVY, United States Magistrate Judge:

Plaintiff initiated this action and moved for a temporary restraining order on December 9, 2009. On December 11, 2009, the Honorable Eric N. Vitaliano, United States District Judge, denied plaintiff's request for a temporary restraining order and declined to sign the order to show cause. I then scheduled an initial conference for April 15, 2010.

After plaintiff's counsel failed to appear for the initial conference, I issued an order¹ giving plaintiff's counsel thirty days to explain in writing why he did not appear or request an adjournment, and to provide a report on the status of this litigation. (See Order, dated May 20, 2010.) The order specifically warned plaintiff's counsel that failure to comply could result in a recommendation that this case be dismissed for failure to prosecute. (Id.)

To date, the court has received no response. I therefore respectfully recommend that this case be dismissed for lack of prosecution.

Any objections to this report and recommendation must be filed with the Clerk of the Court, with courtesy copies to Judge Garaufis and to my chambers, within fourteen days.

¹ The order was sent to plaintiff's counsel, Thomas A. Farinella, Esq., via ECF and by fax.

Failure to file objections within the specified time waives the right to appeal the district court's order. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Respectfully submitted,

/s/
ROBERT M. LEVY
United States Magistrate Judge

Dated: Brooklyn, NY
July 2, 2010